Greater Upstate Law Project
87 N. Clinton Ave.
Rochester, New York 14604-1478
November 13, 1992

Steven Snow, President
Capital District Lesbian and Gay Community Center
332 Hudson Avenue
Albany, New York 12210-1804

Dear Mr. Snow:

I am a member of the Gay Alliance of Genesee Valley, Inc., located at 179 Atlantic Avenue, Rochester, New York 14607. In addition, I am an attorney representing the GAGV in its lawsuit challenging Rochester's denial of the GAGV's request for property tax exempt status for the building we purchased for use as a community center two years ago.

Rochester denied the GAGV's application for property tax exempt status primarily because, its lawyer has stated, the City Assessor just don't know whether the law allows a gay organization such as ours to have tax exempt property. We allege in our court papers that the GAGV is entitled to a property tax exemption under law, and that the denial is really a result of discrimination.

In our earlier court papers, we informed the court of the property tax exempt status of the Lesbian and Gay Community Center in New York City. However, at a GAGV board meeting on Wednesday night, I learned for the first time (from a former Albany resident) that the building owned by the Capital District Lesbian and Gay Community Center, was granted property tax exempt status.

It would help us immensely if we could submit to the court an affidavit and the relevant documents from the CDLGCC as well. The more information we have to show the court that Rochester is being uniquely discriminatory, the better chance we have of winning.

For this reason, I called the CDLGCC on Thursday night, and was told that you were the President, and that a message from me would be passed on to you. I also spoke with Keith St. John today, who was very helpful and gave me your home phone number. He also let me know that you were not in your office today.

I left a message on your home phone to call me back. However, because time is really critical at this point (we have to submit our final set of papers no later than Tuesday, and we appear in court on Thursday), I have drafted the enclosed affidavit for your review.

I basically "made up" the information regarding the functions and purposes of the CDLGCC for the affidavit. However, Keith St. John called the City Assessor's office and confirmed that the CDLGCC does, in fact, have a property tax exemption as a charitable organization.

I would appreciate it greatly if you would be willing to review and sign the affidavit, or a similar one that you draft, for our use. Please feel free to correct it as necessary. In fact, if the CDLGCC has more specific functions, activities, and purposes, they can be added to the affidavit. When the affidavit is signed, it should be notarized. (If you happen to be a lawyer, you can write an affirmation that is not notarized.)

In addition, please send me a copy of any or all of the following documents, if you can locate them without too much hassle:

1. CDLGCC's Articles of Incorporation (they will state the purposes of the Center);

2. CDLGCC's Constitution and/or By-Laws (they will include the purposes and functions as well);

3. Any letter or document from the City Assessor granting the CDLGCC a property tax exemption.

For our purposes, the first two documents are the most important because your affidavit will be sufficient to prove that the CDLGCC has a property tax exemption.

Unfortunately, as I mentioned above, since I just found out about your group, and since we have to be in court next Thursday, I can't give you much time to respond. I hope, however, that you can help us out quickly without too many hassles on your part.

If you have any questions, please call me at my work number, 716-454-6500, or my home number, 716-256-0508. It would probably be better to send the final papers to me at my office: Greater Upstate Law Project, 87 N. Clinton Ave., Rochester, NY 14604-1478. In addition, if you have access to a FAX machine, it would be great if you could FAX your materials to me at (716) 454-2518, just in case we don't get them in the mail on time.

Thank you very much for your help. Both the GAGV and I really appreciate it, and I promise to let you know the outcome of our litigation. In the meantime, for your use in seeing what it is we need, I have enclosed a copy of the New York City's affidavit.

Very truly yours,

Ellen M. Yacknin

Enc.

COUNTY OF MONROE
NEW YORK SUPREME COURT

GAY ALLIANCE OF GENESEE VALLEY, INC.

Plaintiff,

vs.

INDEX NO. 8872/91
JUSTICE ANDREW SIRACUSE

CITY ASSESSOR,
CITY OF ROCHESTER, NEW YORK,

Defendant.

New York State :
Albany County : ss.:

STEVEN SNOW, being sworn, deposes and states:

1. I am the President of the Capital District Lesbian & Gay Community Center, Inc. [CDLGCC].

2. The CDLGCC is a not-for-profit organization that is organized for and committed to the education of the public and advocacy around issues relating to the gay and lesbian community of Albany, New York.

3. Among its various functions and activities, the CDLGCC acts as home base to over a dozen gay and lesbian-related organizations that advocate for gay and lesbian rights, that provide counseling services for the gay and lesbian community, and that provide educational speakers and services to the Albany community at large.

4. The CDLGCC operates out of a building it owns at 332 Hudson Avenue in Albany, New York.

5. The CDLGCC applied for and was granted tax exempt status as a charitable organization pursuant to N.Y. Real Property Tax Law §420-a.

_____
STEVEN SNOW

Sworn to and subscribed before me
this _____ day of November 1992.

_____
NOTARY PUBLIC